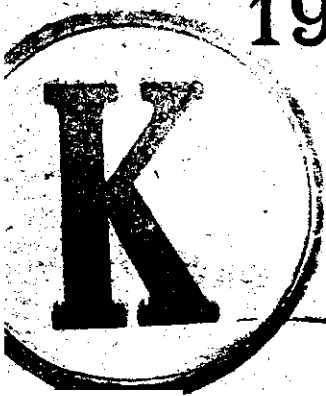




1949.

File No. O. Rationing

Legal Department

49

G BRANCH

Subject:— Opinion on the Bombay
Rationing Regulation Order,
1949.

84
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File No. O. Rationing / 49.

7-49

C O N T E N T S

Reg 1 Department File No. M C/ Rationing /49.

Sr. No.	P. I./C.No.	Subject.	Pages.
		Opinions under the Bombay Rationing Order.	
1)	<u>G/266</u> <u>7-4-1949.</u>	Clauses 4 and 8. Further a baker whether authorized or not can accept wheat flour from any person for converting it into bread and can give the bread prepared from the wheat flour to the person concerned after re- covering baking charges; etc.	1-2.
2)	<u>G/456</u> <u>20/6/1949.</u>	which of the two expressions used in rationing orders is more appropriate. Bombay Ration Area or Bombay Rationed Area.	3-4.

NHLS
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Office of the P.L.A.

ELL. 4. is requested to advise whether the observations made by Rationing Officer (Legal) on the following three points are correct in the light of the provisions of the Bombay Rationing Order, 1943:-

1) A baker whether authorised or not can accept wheat flour from any person for converting it into bread and can give the bread prepared from the wheat flour to the person concerned after recovering baking charges. This would be legally in order.

2) If an authorised establishment owner exchanges bread prepared from wheat flour obtained on his ration permit for wheat flour obtained from a private individual, he will naturally contravene the first proviso to Clause 8 of the Bombay Rationing Order, 1943.

3) Baking charges, it seems, form part of the price. If an unauthorised establishment owner prepares bread from wheat flour obtained by him and exchanges such bread for wheat flour offered by any person, after recovering baking charges this transaction does not seem pure exchange of one rationed article for another and this baker may contravene Clause 4 of the Bombay Rationing Order, 1943.

Point No. 1. - 'Bakeries' are manufacturing establishment (vide 2(4)(b)(iv) of the Bombay Rationing Order, 1943, and these are 'establishments' as defined in Clause 2(4) (a) of the Bombay Rationing Order. Bakeries which hold authorisations under Clause 3 are therefore authorised establishments. The first proviso to clause 8 of the Bombay Rationing Order provides that nothing in that clause shall apply to an authorised establishment. The authorised Bakers therefore cannot supply bread except under and in accordance with the provisions of the Order (vide clause 6). In Bombay and Bombay Suburban District the cannot sell bread in the preparation of which fertilised wholemeal wheat flour is not used (see Clause 3 of the Bombay Bread (Central of Maximum Prices) Order, 1944). They

They cannot exchange wheat flour for bread which they have prepared from wheat flour obtained by them. Under Clauses 4 and 6 however the prohibition is against 'supply' but there is no prohibition against rendering service such as conversion of wheat flour into bread after accepting baking charges, provided the identical wheat flour is converted into the bread.

, Unauthorized Bakers can exchange wheat flour for bread after paying baking charges as it will be construed either as rendering of service or exchange. If it is exchange it should be without payment of price. In Lorna the breads are ready with the bakers and they accept wheat flour and immediately give bread after taking baking charges. This can be construed as sale or supply of bread against price which is accepted partly in money and partly in kind and would be in contravention of Clause 4. If the bakers accept the wheat flour, prepare bread out of that wheat flour so given by the customer and charge only baking charges, then it will be only for rendering service for which he charges and there would be no breach of the Bombay Rationing Order.

Point No. 2.- The view expressed by Rationing Officer (Legal) is correct. Authorized establishments cannot exchange bread prepared by them on their Ration permits against wheat flour obtained from a private individual. This would be supply of bread against wheat flour which is not permissible and would be penal under Clause 6.

Point No. 3.- Same remarks as in the case of unauthorized bakers apply to unauthorized establishments. They can prepare bread from wheat flour given by any private individual after charging baking charges but they cannot prepare bread from wheat flour obtained by them and exchange such bread for wheat flour offered by any person as it would be in contravention of Clause 4 of the Bombay Rationing Order.

sd/- 6/4

Remembrancer of Legal Affairs

U. CE. to C. of P. No. G/266, dated 7/4/1949.

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Legal Department.

The expression "ration area" is more appropriate than "rationed area". (vide 'A' on page 16).

In the draft at Page 11 the expression "Bombay Ration area" has been defined to void the use of whole of the following words wherever they occur --

"The Greater Bombay and the 47 villages of Thana District specified in Schedule B to this Order".

The expression "Bombay Ration Area" does not carry with it the meaning that it is an area to which the Bombay Ration Scale applies as it has been given a definite meaning in the Order itself.

sd/- 18/6

Additional Secretary to Government.

P.F. to C.S.D. No. G/456, dated 28-6-49.

N.V.L.
16/7
4c.